

James Nicita, OSB #024068
McCarthy & Holthus, LLP
920 SW 3rd Avenue, 1st Floor
Portland, OR 97204
Phone (971) 201-3200
Fax (971) 201-3202

The Honorable Peter C. McKittrick
Chapter 13
Hearing Date: 6/18/2015
Hearing Time: 9:00 AM
Location: Court Room #1
1001 SW 5th Ave #700
Portland OR

Attorneys for Secured Creditor, CitiMortgage,
Inc. ASF Citigroup Mortgage Loan Trust Inc.
Asset-Backed Pass-Through Certificates,
Series 2007-AMC2, U.S. Bank National
Association as Trustee, its assignees and/or
successors

UNITED STATES BANKRUPTCY COURT
DISTRICT OF OREGON
PORTLAND DIVISION

In re:

Debra A. Crawford,

Debtor.

Case No. 15-31963-pcm13

Chapter 13

**OBJECTION TO CONFIRMATION OF
CHAPTER 13 PLAN**

CitiMortgage, Inc. ASF Citigroup Mortgage Loan Trust Inc. Asset-Backed Pass-Through
Certificates, Series 2007-AMC2, U.S. Bank National Association as Trustee, its assignees and/or
successors ("Secured Creditor"), objects to confirmation of Debtor's Chapter 13 Plan dated
4/28/2015.

BACKGROUND

Secured Creditor holds a Deed of Trust on the real property commonly known as **15901
Southwest Oriole Court, Sherwood, OR 97140 (the "Property")**.

As of 4/22/2015, the total amount in default was \$22,624.69. This represents the monthly payments, accrued late charges, advances, foreclosure fees and costs, and attorneys' fees and costs, as further described in the Proof of Claim filed by Secured Creditor.

REASONS FOR OBJECTION

☒ The Plan provides for payment of arrears in the amount of \$11,500.00. However, the arrears are \$22,624.69 as set forth in the Proof of Claim. The Plan does not provide for full cure of the arrears.

☒ To cure the arrears, Debtor proposes paying \$50.00 per month for months 1 through 6 then \$300.00 per month thereafter during the Plan. To cure the arrears over 60 months as set forth in the proposed Plan, Secured Creditor must receive a minimum of \$377.08 per month. Debtor's Plan does not provide for adequate payments to Secured Creditor to cure the arrears.

☒ According to Schedules I and J, Debtor does not have sufficient funds available to increase the plan payments sufficiently to cure the arrears over the term of the plan. Therefore, the Plan is not feasible.

☒ The proposed Plan does not set forth a reasonable schedule and time period for the payment of the arrearages owed to Secured Creditor. The payoff period and monthly repayment amount proposed by the Debtor exceed a reasonable arrangement in light of Debtor's past non-payment history.

☐ Other: If the Confirmation Order or an Amended Plan provide for payment of the arrears, this objection may be considered withdrawn.

CONCLUSION

Any Chapter 13 Plan proposed by the Debtor must provide for and eliminate the Objections specified above in order to be reasonable and to comply with applicable provisions of the Bankruptcy Code. Secured Creditor respectfully requests that confirmation of the Chapter 13 Plan as proposed by the Debtor be denied, or in the alternative, be amended to provide for full payoff of the arrearages owed to Secured Creditor.

WHEREFORE, Secured Creditor prays as follows:

1. That confirmation of the Proposed Chapter 13 Plan be denied, or in the alternative, be amended to provide for full payoff of the arrearages owed to Secured Creditor;
2. For attorneys' fees and costs herein,
3. For such other relief as this Court deems proper.

Dated: 5/20/2015

Respectfully submitted,

McCarthy & Holthus, LLP

By: /s/ James Nicita

James Nicita, OSB #024068
McCarthy & Holthus, LLP
920 SW 3rd Avenue, 1st Floor
Portland, OR 97204

Attorney for: Secured Creditor,
CitiMortgage, Inc. ASF Citigroup Mortgage Loan
Trust Inc. Asset-Backed Pass-Through Certificates,
Series 2007-AMC2, U.S. Bank National
Association as Trustee, its assignees and/or
successors

CERTIFICATE OF SERVICE

On 5/20/2015, I served the foregoing **OBJECTION TO CONFIRMATION OF PLAN** on the following individuals by electronic means through the Court's ECF program

TRUSTEE

Wayne Godare
c0urtmail@portland13.com

DEBTOR(S) COUNSEL

Ted A Troutman
tedtroutman@gmail.com

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

/s/ Cynthia Penaloza

Cynthia Penaloza

On 5/20/2015, I served the foregoing **OBJECTION TO CONFIRMATION OF PLAN** on the following individuals by depositing true copies thereof in the United States mail at San Diego, California, enclosed in a sealed envelope, with postage paid, addressed as follows:

DEBTOR

Debra A. Crawford, 15901 SW Oriole Ct, Sherwood, OR 97140

US TRUSTEE

620 SW Main St, Rm 213, Portland, OR 97205

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: 5/20/2015

/s/ Christian Aguilar

Christian Aguilar